

**Claims:**

1           1.       (Original) A method for use in a packet network in which data is  
2 transferred over virtual circuit connections each having an associated sustained data rate  
3 guaranteed by said network, said network allowing data to be transferred over a  
4 connection at a data rate greater than its associated sustained data rate as a function of  
5 network load conditions, the method comprising:

6           (a)     causing said packet network to provision a first virtual circuit connection  
7 over said packet network for transfer of data between a first user and a second user, said  
8 first virtual circuit connection having a first associated sustained data rate;

9           (b)     transferring data between said first user and said second user over said  
10 connection; and

11          (c)     in response to a determination that said transferring is not achieving a  
12 predetermined minimum desired level of data flow, causing said packet network to  
13 automatically and substantially immediately provision a second virtual circuit connection  
14 over said packet network for said transfer of data from said first user to said second user,  
15 said second virtual circuit connection having a second associated sustained data rate that  
16 is greater than said first sustained data rate.

1           2.       (Original) The method of claim 1 further comprising  
2 in response to a determination that said transferring is exceeding a predetermined  
3 maximum desired level of data flow, causing said packet network to automatically and  
4 substantially immediately provision a third virtual circuit connection over said packet  
5 network for said transfer of data from said first user to said second user, said third virtual  
6 circuit connection having a third associated sustained data rate that is lower than said  
7 second sustained data rate.

1           3.       (Original) The method of claim 2, wherein said network provisions each  
2 said virtual circuit connection in response to a respective call setup message indicating  
3 the associated sustained data rate.

1           4. (Currently Amended) A method of transferring data over a packet network  
2 of a type that guarantees the transfer of data at at least a requested minimum data rate and  
3 that transfers data at greater than the requested rate on a non-guaranteed basis, the  
4 method comprising requesting from causing said network to provision two or more circuit  
5 connections having respective different varying selected minimum data rates during the  
6 transfer of data between first and second parties, said two or more circuit connections  
7 being provisioned varying minimum data rates being selected as a function of the actual  
8 data flow between said parties and in such a way as to achieve a desired overall data flow  
9 rate.

1           5. (Currently Amended) The method of claim 4 wherein said requesting  
2 causing said network to provision two or more circuit connections comprises causing said  
3 network to drop a first virtual circuit connection having a first bandwidth and to create a  
4 second virtual circuit connection having a second bandwidth. provision successive virtual  
5 circuit connections to transfer corresponding successive portions of said data, each  
6 connection having a respective requested minimum data rate.

1           6. (Currently Amended) The method of claim 5 wherein said causing said network  
2 to drop the first virtual circuit connection and to create the second virtual circuit connection  
3 provision virtual circuit connections comprises communicating respective call setup  
4 messages to said network.